

REMARKS

In response to Paragraph 1 of the Office Action, Applicant respectfully represents that it will provide a substitute oath or declaration identifying the correct priority application upon indication of allowable subject matter. Applicant further respectfully requests that renumbering of Claim 12 and the submission of formal drawings be deferred until allowable subject matter is found in this application.

In response to Paragraphs 2 -3 of the Office Action, Applicant has amended claim 7 to change the dependency from claim 4 to claim 5 to provide the appropriate antecedent basis for the term "said side walls". Claim 12 has been amended to more properly set forth the antecedent basis for the term "said internal surfaces".

Independent claims 1, 9 and 13 have been amended to more clearly set forth the substance of the invention. Each of these claims now sets forth structure and function of ribbed outer surfaces of a module which are intended to change the direction of flowing water that contacts the module in order to dissipate the energy of the flowing water. This flowing water could be any moving water such as waves, a constant stream or oscillating water moving in any direction. Specifically, Claim 1 has been amended to include the following language: a plurality of ribbed outer surfaces having a plurality of at least one of protrusions, ridges, grooves, and channels, said ribbed outer surfaces sized and shaped to receive flowing water and direct the water in a direction different from the direction in which the water is received. Similar language is used in amended claims 9 and 13.

In Paragraphs 4-5, the Examiner has rejected claims 1-5 and 7-13 under 35 U.S.C. 102(b) as anticipated by Bishop et al. In Paragraph 6, the Examiner has rejected claims 1, 4, 6, 7 and 12 under 35 U.S.C. 102(b) as anticipated by Pitchford. In Paragraph 7, the Examiner has rejected claims 1, 4, 6, 7 and 12 under 35 U.S.C. 102(b) as anticipated by Kline.

In response to Paragraphs 4 - 7, applicant respectfully traverses the 102(b) rejections and submits that none of the references cited, taken either singularly or in combination, show or suggest the structure or function of the buoyant body as now claimed.

The Bishop reference shows modules intended to be joined to form a barrier with the modules having numerous faces disposed at different angles. However, the surfaces of the faces are smooth, and are not intended to interact with flowing water impinging on the surfaces to change the direction of the water by means of grooves, protrusions, and the like formed on the outer surface of these faces.

The Pitchford reference discloses interlocking building blocks having, when assembled, smooth outer surfaces. Various interlocking tabs and members extending from the surface will be hidden when the blocks are assembled. Further, the Pitchford modules are intended to be stacked in close formation and would present a solid wall without the numerous facets of the present module. None of the Pitchford modules would contain any protrusions, ridges, grooves, channels or other shapes intended to change the direction of impinging water flow.

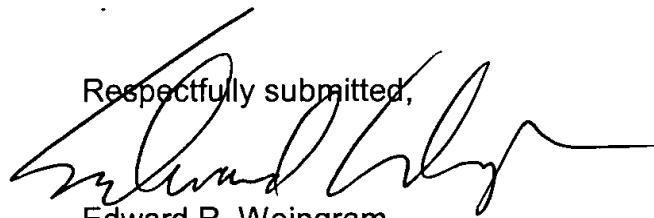
The above arguments against application of the Pitchford reference applies equally as well to the Kline reference. The Kline reference teaches, when assembled, a close relationship of building blocks having a flat surface never intended for any type of hydrodynamic interaction with impinging water.

Additionally, it is not seen how combining either the Kline or Pitchford reference with the Bishop reference could provide the teachings of the present invention as claimed.

Accordingly, it is thought that the claims as amended now clearly distinguish from the references cited, either singularly or in combination.

In view of the foregoing Amendments and the Remarks in support thereof, it is respectfully submitted that this case is in condition for allowance. Favorable action on the merits, including entry of all requested amendments and allowance of claims 1 -13 is respectfully solicited.

Respectfully submitted,



Edward R. Weingram
Attorney for Applicant
Reg. No. 24,493
WEINGRAM & ASSOCIATES, P.C.
P.O.Box 927
Maywood, NJ 07607
Phone: 201-843-6300
Fax: 201-843-6495